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**VIA ECF AND ELECTRONIC MAIL**

Special Master the Honorable Thomas Vanaskie  
Stevens & Lee  
1500 Market Street, East Tower  
18th Floor  
Philadelphia, PA 19103

**Re: In re Valsartan, Losartan, and Irbesartan Products Liability Litigation**  
**Case No. 1:19-md-02875-RBK-JS**

Dear Special Master Vanaskie:

This letter is to advise the Court and the Special Master of a compromise reached between the parties to resolve the issues raised before the Special Master on Wednesday, May 17, concerning Defendants' requests for certain reports and datasets from MSP Recovery Claims, Series LLC ("MSPRC"). Plaintiffs' counsel has reviewed this letter and consents to its filing. If acceptable, the Parties agree that the conference scheduled for 2 pm can be cancelled.

Following multiple meet-and-confers, the parties have agreed to the following compromise resolution:

- MSPRC has agreed to produce the "Part D Direct Subsidy Amount" field from the monthly MMR datasets for EmblemHealth and Summacare, to reflect the direct subsidy paid for each beneficiary for whom MSP previously produced claims data for at-issue valsartan purchases, and a numerical identifier that will tie the direct subsidies to the prior claims data.



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- MSPRC will supplement the damages report of Dr. Rena Conti to remove certain damages calculations that are not relevant to the first Third-Party Payor trial, specifically, to remove Connecticare claims data from Dr. Conti's damages calculation for MSPRC, and to remove Dr. Conti's unjust enrichment damages calculation, or confirm that an unjust enrichment claim is not being pursued in the first trial scheduled, and thus Defendants will not need to respond to the unjust enrichment calculations.
- With the Court's approval, the parties agree to adjust the deadlines set forth in Case Management Orders 32 and 32A to accommodate the time necessary for MSPRC to produce the direct subsidy data. MSPRC estimates that it will complete the supplemental data production by approximately June 7, 2023, and the parties have agreed that Defendants shall have 14 days following completion of the supplemental data production to submit their responses to the report (and the forthcoming supplemental report) of plaintiffs' damages expert, Dr. Rena Conti. Accordingly, the parties propose amending Section 8.0 of CMO 32 and CMO 32A to set a presumptive deadline of June 21, 2023 for defendants to submit their responses to the report and supplemental report of plaintiffs' damages expert Dr. Rena Conti, or 14 days after MSPRC completes its supplemental production of direct subsidy data, whichever is earlier. This presumptive deadline shall be subject to lengthening if MSRPC is materially delayed in completing its supplemental production of direct subsidy data, in which event the parties shall promptly inform the Court. A proposed Order accompanies this letter.



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If the Special Master approves this resolution and the Court approves the proposed Order, the parties believe the status conference set for 2:00 pm ET today can be canceled.

Respectfully submitted,

/s/ Gregory E. Ostfeld

Gregory E. Ostfeld

cc: Adam Slater, Esq. (*via email, for distribution to Plaintiffs' Counsel*)  
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